

JUL 02 2002

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Toshiaki KUBO

Serial No. 09/640,803

Group Art Unit: 1752

Filed: August 18, 2000

Examiner: Thorl Chea

For: THERMALLY PROCESSED IMAGE FORMING MATERIAL

DECLARATION UNDER 37 CFR 1.132

Honorable Commissioner of Patents and Trademarks,  
Washington, D.C. 20231

Sir:

I, Toshiaki KUBO, a Japanese citizen, working at No.210, Nakanuma Minami-ashigara-shi, Kanagawa 250-0123 Japan, hereby declare and state that I received a Master's Degree in organic chemistry from Kobe University, the department of Chemistry, in March of 1989, and I was employed by Fuji Photo Film Co., Ltd. in April of 1989 and since that time to March of 1993 I had been principally engaged in research and development of synthesis of dyes and since April of 1993 I have been principally engaged in research and development of photosensitive materials for printing at Ashigara Laboratories of the company.

I declare further that I have read all of the documents contained in the file wrapper of the above-entitled application.

I declare further that the test described below was conducted at my direction and under my supervision and the test results are true and correct to the best of my knowledge.

**Method:**

Sample Nos. 1-7 were prepared by the procedure set forth in Example 1 of the present specification, provided that (1) the second undercoat layer was not coated, (2) instead of the latex shown on page 56, line 22 of the present specification, the binders shown in the following table were used to form a fourth back layer by Process A, and (3) instead of the image forming layer, the lower protective layer and the upper protective layer, the imaging layer and the protective overcoat layer were formed as set forth in column 11-12 of Melpolder et al., U.S. Patent No. 6,287,754.

Adhesion of Sample Nos. 1-7 was evaluated in the manner set forth in Example 1 of the present specification.

**Results:**

Results are shown in the following table.

Sample No.	Composition or product name of latex	Evaluation of adhesion
1	MMA/St/2EHA/HEMA/AA=58.9/8.6/25.4/5.1/2	2
2	MMA/St/BA/HEMA/AA=58.9/8.6/25.4/5.1/2	2
3	MMA/MA=43/57	2
4	St/BA=64/36	2
5	MMA/St/2EHA/HEMA/AA=64.1/8.6/20.2/5.1/2	2
6	MMA/St/2EHA/HEMA/AA=64.1/17.2/11.6/5.1/2	2
7	Emulsified dispersion of Vylon 200 (Toyobo Co.,Ltd.)	1

Abbreviations used in the above table denote as follows:

MMA = methyl methacrylate; St = styrene; 2EHA = 2-ethylhexyl acrylate; HEMA = hydroxyethyl methacrylate; AA = acrylic acid; BA = butyl acrylate; and MA = methyl acrylate.

The test results indicate that the thermally processed image forming material having the imaging layer and the protective overcoat layer of Melpolder et al. showed adhesion improper for practical use.

I believe that no one skilled in the art reading the cited references would be motivated to use a polymer latex in an amount of 50wt% or more of the total binder in the outermost layers in both sides and satisfy the claimed conditions in order to suppress the undesirable adhesion in a form of commercial product.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Dated this 28th day of June, 2002.

Toshiaki Kubo

Toshiaki KUBO